

ITEM B

**To the rear of 19 Glenshesk Road
Ballycastle**

**LA01/2015/0361/RM
Reserved Matters Planning**

25th November 2015

<u>No:</u>	LA01/2015/0361/RM	<u>Ward:</u>	TORR HEAD and RATHLIN
<u>App Type:</u>	Reserved Matters Planning		
<u>Address:</u>	To the rear of 19 Glenshesk Road, Ballycastle		
<u>Proposal:</u>	Site for New Dwelling		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	30.06.2015
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Agent:	Bailey Architecture, 9 Glenview Road, Glenshesk, Ballycastle		
Applicant:	David & Rodger Bell, 19 Glenshesk Road, Ballycastle, BT54 6PA		
Objections:	35	Petitions of Objection:	0
Support:	3	Petitions of Support:	0

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

RECOMMENDATION

1.0 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 8 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the conditions set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

2.1 The site is located within the settlement development limits of Ballycastle. The area is residential in character with no. 19 forming a row of 7 detached dwellings of varying design and scales.

2.2 The site comprises the rear garden of No. 19 Glenshesk Road, Ballycastle. No. 19 Glenshesk Road is a 2 storey detached dwelling which faces onto Glenshesk Road with an elevated

siting. The dwelling is set back some 39 metres from the road side and is accessed via a paired driveway.

- 2.3 The application site is long measuring 115 metres from the Glenshesk Road to the rear boundary and rises in a southerly direction towards the rear. Mature hedging defines the boundaries.

3.0 RELEVANT HISTORY

- 3.1 E/2014/0106/O
Proposal: Site for New Dwelling
Address: To the rear of 19 Glenshesk Road, Ballycastle
Approval15/01/2015

4.0 THE APPLICATION

- 4.1 Reserved Matters is sought for a 1.5 storey detached dwelling with a ridge height of 5.7 metres. The dwelling has a pitched roof with a rear return. It is sited in line with neighbouring property No. 17 Glenshesk Road. It is finished in a painted render with a black slate roof. The proposal also includes relocation of the stone wall, running along the frontage of no. 15, 2 metres to the rear of the existing wall location.

5.0 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: (35) Thirty five** Objectors to the proposal.

The points raised by the objectors include:

- Concern over the removal of black stone boundary wall along the front of No. 15 Glenshesk Road together with 9 beech trees from a long established rookery;
- The removal of TPO trees will have a detrimental impact on the locality and the ancient habitat which is part of the Margery River;
- Nesting Rooks will be impacted upon;
- Visual impact on this area of Glenshesk;
- Impact on birds, bats, red squirrel and mammal livelihoods;

- Impact of removal of trees on stability of ground in an area prone to flooding;
- Replacement of black stone wall with a rendered breeze block wall;
- Proposal is contrary to its designation within a LLPA as the felling of trees is contrary to this policy.
- Proposal is contrary to PSS 1, PPS 2, PPS 6, PPS 7;
- Widening the road will attract 'boy racers';
- Trees and wall make a valuable contribution to the ecosystem;
- Property No. 23 concerned of impact of sight lines along the front of their property - part of sight line within their ownership.

(3) Three letters of support received.

Internal

5.2 **Transport NI:** has no objection to the proposal.

NIEA Historic Monuments Unit has no objection to the proposal.

NIEA Natural Heritage has no objection to the proposed development. They considered objection letters and advised that if tree removal was carried out outside the bird breeding season between 31st March and 31st August they would have no objection in relation to priority or protected bird species.

MATERIAL CONSIDERATIONS

6.1 Article 45 of the Planning Act (Northern Ireland) 2011 states that, “where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.”

6.2 The development plan is:

- Northern Area Plan 2016

6.3 The Regional Development Strategy (RDS) is a material consideration.

- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as both a new local plan strategy and local policies plan are adopted, and found to be sound, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 6: Planning, Archaeology and The Built Heritage

Planning Policy Statement 7: Quality Residential Environments

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The principle for the development was approved at the outline planning stage, this consideration relates to the details including: design, amenity and landscaping.

Planning Policy

- 8.2 The site is located within the settlement limit of Ballycastle as designated in the Northern Area Plan.

- 8.3 The principle for this development has been approved under E/2014/0106/O.
- 8.4 This application is to consider the details considered having regard to the PPS policy documents specified above, the supplementary guidance and conditions of the outline approval.

Siting and Design

- 8.5 The proposed dwelling is 1 1/2 storey in character with a low elevation of 5.5 metres to the ridge. There is a separation of over 30 metres between the rear of the property at No. 19 Glenshesk Road and the front elevation of the proposed dwelling.
- 8.6 The proposed siting of the dwelling is approximately in line with neighbouring property No. 17 which is also 1 1/2 storey in character. The siting complies with the condition of the outline permission. The design is modest with an integral garage.
- 8.7 The proposal meets Conditions Nos 4, 5 and 6 of the Outline approval in relation to siting and design.

Amenity

- 8.8 The design of the proposed dwelling to the side elevation facing no. 17 has no windows at first floor level and the house is well separated from the side boundary not to have any concerns with regards to overlooking or overshadowing. The elevation facing no. 21 does have 2 bedroom windows at first floor level which will be conditioned as obscure glazing to protect the amenity of the adjoining neighbour.
- 8.9 The existing hedgerows on the north west and south west boundaries are to be retained at 1.8m in height, to preserve the amenity and privacy of the adjoining residential properties. A new hedgerow is to be planted to define the boundary between the site and No 19.
- 8.10 Conditions of the Outline Planning permission have been met in order to preserve the amenity and privacy of the adjoining residential properties.

Access

- 8.11 To enable the access to the development the outline permission permits the re-siting of the boundary wall of No 15 Glenshesk Road 2 metres back from its original position. The wall is required to be relocated to ensure provision of adequate visibility splays for the access.
- 8.12 No 15 is zoned in NAP for housing (Zoning BEH 27). A Key site Requirement of the zoning is that the boundary wall is moved back 2 metres.
- 8.13 Condition No 9 requires the existing stone to be re-used in the re-building of the re-positioned wall to ensure the development is in keeping with the existing character of the area.
- 8.14 Drawing 02 (Rev B) identifies that all existing stone will be used in the re-building where practicable. The drawing states that part of the stone wall has been damaged over the years due to wear and tear and that where this is the case local stone will be used to match the existing.
- 8.15 Condition Nos 10 to 14 relate to the Tree Preservation Order on the adjacent land at No 15. As part of the outline planning permission a tree survey was carried out. The conditions allow for the removal of 7 no. trees, T08, T09, T11, T07, T10, T05 and T12. Proposed drawing 02 (Rev B) identifies the removal of the same trees as approved under the outline permission.
- 8.16 Three No. trees are required to be removed to facilitate the visibility spays. Two No. trees are to be removed due to their condition and a further two trees to facilitate the relocation of the wall.
- 8.17 The majority of the objections received raise concern with the removal of the trees. The principle of their removal was granted approval at outline planning stage and therefore not part of the consideration of the reserved matters. No representations were received to the Outline application.
- 8.18 As part of this consideration, NIEA Natural Heritage have considered the objection letters and advised that if the tree removal was carried out outside the bird breeding season

between 31st March and 31st August they would have no objection in relation to priority or protected bird species. This matter will then be dealt with by condition.

- 8.19 Trees will still be present on the site and though No 15 is zoned as a Local Landscape Policy Area in NAP the set back of the wall and potential loss of some of the trees was agreed during the Plan process. The impact on the visual amenity and landscape character was also considered during the processing of the outline planning permission and considered to not have an adverse impact.

Other Matters

- 8.20 No 23 Glenshesk Road raised concern with the development encroaching on their land. Measuring the sightline it appears that the red line does not encroach into the neighbouring property no. 23 Glenshesk Road. The agent confirmed that no works are required to provide visibility splays to the roadside verge at no. 23.

- 8.21 Driver behaviour is a matter for the PSNI to consider.

9 CONCLUSION

- 9.1 This proposal is considered acceptable in this location having regard to the Area Plan and other material considerations. The issues raised by the objector can be given limited weight in this application as the principle of the development including the trees and wall removal was approved at outline stage. It complies with the outline planning permission and provides a quality residential environment. Approval is recommended.

10 CONDITIONS

10.1 Regulatory Conditions:

- 1 As required by Section 62 of the Planning Act (Northern Ireland) 2011 the development to which this approval relates must be begun by whichever is the later of the following dates:-
 - i. The expiration of a period of 5 years from the grant of outline planning permission; or
 - ii. The expiration of a period of 3 years from the date hereof.

Reason: Time limit.

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02B and Transport NI DC 1 form bearing the date stamp 4th September 2015, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. Tree removal shall only take place outside of the bird breeding season between 1st March and 31st August.

Reason: In order to protect any priority or protected bird species.

5. The dwelling hereby approved shall not be occupied until the new boundary with the existing dwelling No 19 Glenshesk Road, as indicated on the approved plan 03 date stamped 30 June 2015, has been defined by a hedgerow which shall be retained at a

minimum height of 1.8 metres, unless otherwise agreed in writing with the Planning Authority.

Reason: To preserve the amenity and privacy of the existing residential property.

6. The existing hedgerows on the north west and south west boundaries of the curtilage of the dwelling hereby approved shall be permanently retained unless otherwise agreed in writing with the Planning Authority.

Reason: To preserve the amenity and privacy of the adjoining residential properties.

7. The existing stone shall be re-used in the re-building of the re-positioned stone wall and pillars as indicated on the approved plans 02B date stamped 4 September 2015.

Reason: To ensure that the development is in keeping with the existing character of the area.

8. The lands granted Planning Permission are affected by a Tree Preservation Order (TPO). No protected tree, other than those required for the purpose of carrying out development and indicated on the approved Drawing No. 2B date stamped 4 September 2015 shall be, cut down, uprooted or destroyed, or have its roots within the crown spread damaged or subject to any soil level changes, or be subject to any form of tree surgery, without the prior written consent of the Planning Authority. Development will be taken to include the main development, any associated buildings, access and service provision.

Reason: To ensure the retention of trees protected by the TPO and to ensure continuity of the landscape amenity afforded by these trees.

9. The lands granted Planning Permission are affected by a Tree Preservation Order (TPO). The erection of fencing required for the protection of retained trees covered by a TPO shall be undertaken in accordance with BS5837 (2012) 'Trees in Relation to Construction'. The fencing must be in place before any equipment, machinery or materials are brought on to the site for the purposes of the approved development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition. The ground levels within

the fenced off areas shall not be altered, nor shall any excavation be made or any other works carried out, materials stored or fires lit.

Reason: To ensure the retention of trees protected by the TPO and to the ensure continuity of the landscape amenity afforded by these trees.

10. The lands granted Planning Permission are affected by a Tree Preservation Order (TPO). All arboricultural work shall be implemented in accordance with Arboriculturist report by Arbor Consulting dated 28th October 2014 and carried out in accordance with the approved details and in accordance with BS5837 (2012) 'Trees in Relation to Construction' by a competent Tree Surgeon, preferably an Arboricultural Association approved contractor.

Reason: To ensure the continuity of amenity afforded by existing trees and provision of a professional standard of workmanship.

11. Protective Fencing Around Trees protected by the Tree Preservation Order (TPO):
 - a. No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until all trees to be retained have been protected by fences or other suitable means of enclosure.
 - b. The protective fencing shall be at least 2.3 metres high, comprising of a scaffolding framework, verticals positioned no more than 3.0 metres apart driven into the ground approximately 0.6 metres, braced to resist impacts, supporting weldmesh panels, fixed in a manner to avoid easy removal as shown in BS 5837 2012, Figure 2. Notices shall be erected on the barrier with words such as 'Construction Exclusion Zone – Keep Out'.
 - c. Within the fenced area no activities associated with building operations shall take place, the ground levels within those areas shall not be altered. The fenced area shall also be free of the storage of materials or temporary structures and no concrete mixing shall be carried out and no material likely to be injurious to a tree shall be stacked or discharged within 10m from a tree. On sloping sites storage of such materials shall be located where there is no risk of contamination of the protected area through flow of material down the slope. No fire shall be lit within 10m from the outside of the crown spread of trees to be retained. All means of protection shall be in situ for the duration of the development.

d. Fencing shall be erected at a distance calculated using Table 2 of BS5837: 2012 ' Trees in Relation to Development.'

e. The developer shall inform the Planning Authority on completion of the installation of all tree protection measures so that the Planning Authority or their representative may approve such measures before allowing development to commence. All means of protection shall remain in situ for the duration of the development.

Reason: To ensure that adequate protection measures are put in place around TPO trees prior to the commencement of development.

12. The lands granted Planning Permission are affected by a Tree Preservation Order (TPO). Each tree protected by the TPO which the Department has permitted to be removed shall be replaced by a tree of the same species at a extra heavy standard 300-400cm in height x 14-16cm girth at time of planting, as close to the original tree as practical.

Reason: To ensure the continuity of the landscape amenity afforded by trees protected by the TPO.

Informatives

1. Notwithstanding the terms and conditions of the Councils approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the TransportNI Section Engineer whose address is Trillick House, 49 Queen Street, Ballymoney, BT53 6JD. A monetary deposit will be required to cover works on the public road.

2. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.
3. All construction plant and materials shall be stored within the curtilage of the site.
4. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site
5. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 which indicates that it is an offence to intentionally or recklessly:
 - kill, injure or take any wild bird
 - take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
 - at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
 - obstruct or prevent any wild bird from using its nest; or
 - take or destroy an egg of any wild bird; or
 - disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
 - Disturb dependent young of such a bird.

ANNEX

Date Valid	30th June 2015
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Date First Advertised	15th July 2015
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Date Last Advertised	
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Details of Neighbour Notification (all addresses)

V McNeill

1, Glenshesk Road, Armoy, Antrim, Northern Ireland, BT54 6QJ

L McMichael

1, Strandview Avenue, Ballycastle, Antrim, Northern Ireland, BT54 6EU

Honor McAleese

10, Dunamallaght Road, Ballycastle, Antrim, Northern Ireland, BT54 6PB

M Chapman

11, Dunamallaght Park, Ballycastle, Antrim, Northern Ireland, BT54 6PD

H L McKeown

11, Whitepark Court, Ballycastle, Antrim, Northern Ireland, BT54 6WQ

D Dunlop

12, Blackpark Cottages, Ballycastle, Antrim, Northern Ireland, BT54 6RR

The Owner/Occupier,

15 Glenshesk Road Town Parks Armoy

James Duncan

15, Glenshesk Road, Armoy, Antrim, Northern Ireland, BT54 6PA

Louise Graham

15, Shanes Park, Cushendun, Antrim, Northern Ireland, BT44 0PW

The Owner/Occupier,

17 Glenshesk Road Town Parks Armoy

Owner/Occupier .

17, Glenshesk Road, Armoy, Antrim, Northern Ireland, BT54 6PA

C McGoldrick

2, Blackpark Cottages, Ballycastle, Antrim, Northern Ireland, BT54 6RR

The Owner/Occupier,

20 Glenshesk Road Town Parks Armoy

The Owner/Occupier,

20A Glenshesk Road Town Parks Armoy

W Rooney

20A, Glenshesk Road, Armoy, Antrim, Northern Ireland, BT54 6PA

The Owner/Occupier,

21 Glenshesk Road Town Parks Armoy

Melanie Shillington

21, Dunamallaght Road, Ballycastle, Antrim, Northern Ireland, BT54 6PB

Una Lount

23, Glenshesk Road, Armoy, Antrim, Northern Ireland, BT54 6PA

U Lount

23, Glenshesk Road, Armoy, Antrim, Northern Ireland, BT54 6PA

Una Lount

23, Glenshesk Road, Armoy, Antrim, Northern Ireland, BT54 6PA

M McAuley
24, Gortamaddy Drive, Ballycastle, Antrim, Northern Ireland, BT54 6RZ
James McAuley
25, Blackpark Cottages, Ballycastle, Antrim, Northern Ireland, BT54 6RR
Anna Campbell
26, Glenshesk Road, Armoy, Antrim, Northern Ireland, BT54 6PA
Paul Heely
28, Blackpark Cottages, Ballycastle, Antrim, Northern Ireland, BT54 6RR
The Owner/Occupier,
29, Gortamaddy Drive, Ballycastle, Antrim, Northern Ireland, BT54 6RZ
S Reynolds
3, Dunamallaght Crescent, Ballycastle, Antrim, Northern Ireland, BT54 6PP
M Edgell
3, Dunamallaght Park, Ballycastle, Antrim, Northern Ireland, BT54 6PD
T Bain
3, Whitepark Drive, Ballycastle, Antrim, Northern Ireland, BT54 6WG
Dympna Magee
32, Blackpark Cottages, Ballycastle, Antrim, Northern Ireland, BT54 6RR
M E Page
32, Dunamallaght Road, Ballycastle, Antrim, Northern Ireland, BT54 6PB
The Owner/Occupier,
35, Moyle Road, Ballycastle, Antrim, Northern Ireland, BT54 6LG
Elizabeth Ramsay
36, Glenshesk Road, Armoy, Antrim, Northern Ireland, BT54 6PH
Sinead Butler
40, Churchfield Road, Ballycastle, Antrim, Northern Ireland, BT54 6PN
Cormac Butler
40, Churchfield Road, Ballycastle, Antrim, Northern Ireland, BT54 6PN
Patrick Casement
47 Magherintemple Gatelodge, Churchfield, Ballycastle, Northern Ireland, BT54 6PN
Deirdre Duffin
5, Dunamallaght Crescent, Ballycastle, Antrim, Northern Ireland, BT54 6PP
F and M Brady
5, Dunamallaght Park, Ballycastle, Antrim, Northern Ireland, BT54 6PD
Monica Butler
54, Churchfield Road, Ballycastle, Antrim, Northern Ireland, BT54 6PN
Brigid McClelland
57, Drumavoley Road, Ballycastle, Antrim, Northern Ireland, BT54 6PQ
Margaret Donnelly
64, Leyland Road, Ballycastle, Antrim, Northern Ireland, BT54 6EZ
The Owner/Occupier,
66, Churchfield Road, Ballycastle, BT54 6PX
Eleanor Duff
80, Blackpark Road, Ballycastle, Ballyvoy, Antrim, Northern Ireland, BT54 6QZ
Eleanor Duff
80, Blackpark Road, Ballycastle, Ballyvoy, Antrim, Northern Ireland, BT54 6QZ
The Owner/Occupier,
9 Drumavoley Park, Ballycastle
Marie McVeigh
9, Carey Mill, Ballycastle, Antrim, Northern Ireland, BT54 6PL

R McMullan
92, Tromra Road, Ballymena, Cushendall, Antrim, Northern Ireland, BT44 0ST
Margaret McVeigh
Strand Apartments, APARTMENT 8, Mary Street, Ballycastle, Antrim, Northern Ireland,
BT54 6QH
The Owner/Occupier,